

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Establishing Just and Reasonable Rates for Local Exchange Carriers	)	WC Docket No. 07-135
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Developing an Unified Inter-carrier Compensation Regime	)	CC Docket No. 01-92
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link-up	)	WC Docket No. 03-109
	)	
Universal Service Reform – Mobility Fund	)	WT Docket No. 10-208

**REPLY COMMENTS OF FARMERS TELEPHONE COOPERATIVE, INC., FORT  
MILL TELEPHONE COMPANY D/B/A COMPORIUM COMMUNICATIONS, HOME  
TELEPHONE COMPANY, INC., AND PBT TELECOM, INC. D/B/A COMPORIUM  
COMMUNICATIONS**

Farmers Telephone Cooperative, Inc., Fort Mill Telephone Company d/b/a Comporium Communications, Home Telephone Company, Inc., and PBT Telecom, Inc. d/b/a Comporium Communications (collectively “SC RLECs”) respectfully submit these Reply Comments regarding issues raised in the Further Notice of Proposed Rulemaking in the above-captioned

proceedings.<sup>1</sup> Specifically, the SC RLECs reply to the Comments filed by Time Warner Cable Inc. (“Time Warner”) on January 18, 2012.

Citing to paragraphs 1028 and 1029 of the Federal Communications Commission’s (“Commission’s”) *CAF Order*, Time Warner states that the FNPRM “seeks comment on whether the Commission should impose any additional conditions – including, in particular, requiring companies that receive support to comply with the interconnection obligations set forth in Section 251 of the Communications Act of 1934, as amended (the “Act”).”<sup>2</sup> Time Warner goes on to urge the Commission to condition the receipt of CAF Support on an ETC’s commitment to provide nondiscriminatory interconnection to competing carriers.<sup>3</sup> In support of its suggestion, Time Warner argues, in part, that “a number of rural ILECs in South Carolina – with the blessing of state regulators -- have refused to interconnect with [Time Warner] ....”<sup>4</sup>

Time Warner’s “Comments” do not actually comment on the FCC’s FNPRM at all, but are an improper attempt to use the Commission’s comment cycle as a bully pulpit to advance Time Warner’s arguments in an ongoing contested case and judicial appeal. [CITE.] Accordingly, the Commission should disregard Time Warner’s comments.

Time Warner attempts to bootstrap its commentary into the context of the FNPRM by mischaracterizing the issues on which the Commission sought comment. In fact, paragraphs 1028 and 1029 of the FNPRM do not seek comment on whether companies should comply with interconnection obligations in order to receive CAF support, as Time Warner claims. Instead, the Commission seeks comment on more limited and focused questions. Paragraph 1028 seeks

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<sup>1</sup> Report and Order and Further Notice of Proposed Rulemaking, *Connect America Fund*, WC Docket No. 10-90, FCC 11-161 (Nov. 18, 2011) (“*CAF Order*” or “FNPRM”), 76 Fed. Reg. 73830 (Nov. 29, 2011).

<sup>2</sup> Time Warner Comments at p. 3.

<sup>3</sup> *Id.* at pp. 3-9.

<sup>4</sup> *Id.* at pp. 4-5.

comment on whether the Commission should require CAF recipients to offer *IP-to-IP interconnection* for voice services and, if so, whether any such obligations should be based on the requirements of section 251(a)(1). Paragraph 1029 seeks comment on whether CAF recipients should be required to make interconnection points and backhaul capacity available so that unserved high-cost communities can deploy their own broadband networks.

Time Warner ostensibly asks the Commission to condition the receipt of CAF support on compliance with the law. What Time Warner is really asking the Commission to do is to require rural ILECs to comply with the law as Time Warner would like for it to be. The SC RLECs are in full compliance with their obligations under the law as stated and as interpreted by the Commission and by the Public Service Commission of South Carolina (“SCPSC”). Time Warner is providing retail VoIP service in rural ILECs’ territory in South Carolina today and has been doing so for years, pursuant to authority granted by the SCPSC<sup>5</sup> and consistent with the Commission’s *Time Warner Declaratory Ruling*.<sup>6</sup> Time Warner recently sought direct interconnection on its own behalf as an interconnected retail VoIP service provider in South Carolina. There is no legal precedent for such a request. Time Warner is in the process of pursuing judicial review of the SCPSC’s determination that Time Warner is not entitled to interconnect with the SC RLECs in this manner. The controversy will be resolved in due course

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<sup>5</sup> See SCPSC Order No. 2009-356(A) in Docket Nos. 2008-325-C through 2008-329-C; *Application of Time Warner Cable Information Services (South Carolina), LLC d/b/a Time Warner Cable to Amend Its Certificate of Public Convenience and Necessity to Provide Telephone Services in the Service Area of Farmers Telephone Cooperative, Inc., Fort Mill Telephone Company d/b/a Comporium Communications, Home Telephone Company, Inc., PBT Telecom, Inc., and Rock Hill Telephone Company d/b/a Comporium Communications* (June 11, 2009).

<sup>6</sup> *Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers*, Memorandum Opinion and Order, WC Docket N. 06-55 (March 1, 2007) (“*Time Warner Declaratory Ruling*”).

and in an appropriate forum and context. The Commission should reject Time Warner's improper attempt to interject this controversy into the *CAF Order* and FNPRM proceedings.

Respectfully submitted this 17th day of February, 2012.



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